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10/606,535	06/26/2003	A. Bruce Plumley	G48-1382-1	5726

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EXAMINER

KOCH, GEORGE R

ART UNIT PAPER NUMBER

1734

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,535

Applicant(s)

PLUMLEY ET AL.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 22-27 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabirand Garconnet (US Patent 6,521,074) and Sutton (US patent 3,713,938).

Chabirand Garconnet discloses an apparatus for forming a laminate comprising a first support surface (Figure 1, item 14), a second support surface (item 10), a means for transferring the work material between the first and second surfaces (item 22, a sub-element of item 10), and a roll of backing material (item 34) rotatably and operably positioned relative to the first and second support services so that during movement of the work material between the first and second support surfaces the backing material can be fed from the roll into engagement with a surface defined by the work material to form a laminate.

Chabirand Garconnet differs from the claims in that it does not disclose that the positioning of the roll and surfaces are such that when forming the laminate, the backing material, when engaging the surface defined by the work material, is disposed between the support surfaces and the work material. Rather, Chabirand Garconnet has the reverse orientation, wherein the work material, when engaging the surface defined by

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the backing material, is disposed between the support surfaces and the backing material. However, one in the art would immediately appreciate that the desired orientation is merely a matter of choice, and that one in the art can select either orientation as a design choice. Furthermore, Sutton, in Figure 2, shows an example of this orientation, which has the benefit of allowing adhesive to be applied to the backing material prior to the leather or material application. One benefit from this orientation that is immediately visible is the fact that the adhesive can be securely applied in a downward manner to the backing material without damaging or attaching to other machinery structures or wasting adhesive, since the backing material is positioned to receive the adhesive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized an orientation such that when forming the laminate, the backing material, when engaging the surface defined by the work material, is disposed between the support surfaces and the work material so that the adhesive can be securely applied without damaging or attaching to other machinery structures or wasting adhesive.

As to claim 23, Chabirand Garconnet discloses several embodiments (for example, either the embodiment of Figures 5-6, or the embodiment of Figures 7, or the embodiment of Figure 8) for means for applying an adhesive to at least one of the work material and the backing material for bonding the backing material to the work material (see, for example, column 7, line 30 to column 9, line 3).

As to claim 24, Chabirand Garconnet discloses means for compressing the laminate for bonding the backing material to the work material (For example, item 116 in Figure 5, or item 124 in Figure 7, or item 134 in Figure 8).

As to claim 25, Chabirand Garconnet discloses a pair of rollers coupled to the second support surface in the form of roller 42 and the first roller of the conveyor 22 which forms a nip for compressing the laminate (and see especially column 5, lines 13-17).

As to claim 26, Chabirand Garconnet discloses another embodiment (see Figure 9-10, see also column 9, lines 4-57) wherein the roll of backing material includes a layer of adhesive disposed on a surface defined by the backing material for bonding the backing material to the work material.

As to claim 27, Chabirand Garconnet discloses that the work material can be a hide (see column 1, lines 14-15).

As to claims 29-30, Chabirand Garconnet discloses an additional backing material wherein the backing material (such as label 102 - see Figure 5-6) further comprises a release layer (item 104) which is further wound onto means for collection (item 108) following removal of the backing material.

As to claim 31, Chabirand Garconnet discloses means for feeding (such as item 42, Figure 1) the backing material between the first and second support surfaces for engagement with the work material.

As to claim 32, Chabirand Garconnet discloses means for separating a second material from a second roll (see Figures 9 and 10, item 148, 150 and especially item 156) following engagement of the backing material with the work material.

As to claim 33, Chabirand Garconnet discloses at least one guide roller adjacent to the backing material for facilitating engagement of the backing material with the work material (for example, item 40, Figure 1).

As to claim 34, Chabirand Garconnet discloses a controller in communication with the first and second support surfaces for controlling the operation thereof (item 68 - see column 5, lines 42-49).

3. Claims 22-27 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/15397 and Sutton (US patent 3,713,938).

WO 00/15397 (which is the priority document to Chabirand Garconnet above) discloses an apparatus for forming a laminate comprising a first support surface (Figure 1, item 14), a second support surface (item 10), a means for transferring the work material between the first and second surfaces (item 22, a sub-element of item 10), and a roll of backing material (item 34) rotatably and operably positioned relative to the first and second support services so that during movement of the work material between the first and second support surfaces the backing material can be fed from the roll into engagement with a surface defined by the work material to form a laminate.

WO 00/15397 differs from the claims in that it does not disclose that the positioning of the roll and surfaces are such that when forming the laminate, the backing

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material, when engaging the surface defined by the work material, is disposed between the support surfaces and the work material. Rather, WO 00/15397 has the reverse orientation, wherein the work material, when engaging the surface defined by the backing material, is disposed between the support surfaces and the backing material. However, one in the art would immediately appreciate that the desired orientation is merely a matter of choice, and that one in the art can select either orientation as a design choice. Furthermore, Sutton, in Figure 2, shows an example of this orientation, which has the benefit of allowing adhesive to be applied to the backing material prior to the leather or material application. One benefit from this orientation that is immediately visible is the fact that the adhesive can be securely applied in a downward manner to the backing material without damaging or attaching to other machinery structures or wasting adhesive, since the backing material is positioned to receive the adhesive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized an orientation such that when forming the laminate, the backing material, when engaging the surface defined by the work material, is disposed between the support surfaces and the work material so that the adhesive can be securely applied without damaging or attaching to other machinery structures or wasting adhesive.

As to claim 23, WO 00/15397 discloses several embodiments (for example, either the embodiment of Figures 5-6, or the embodiment of Figures 7, or the embodiment of Figure 8) for means for applying an adhesive to at least one of the work material and the backing material for bonding the backing material to the work material.

As to claim 24, WO 00/15397 discloses means for compressing the laminate for bonding the backing material to the work material (For example, item 116 in Figure 5, or item 124 in Figure 7, or item 134 in Figure 8).

As to claim 25, WO 00/15397 discloses a pair of rollers coupled to the second support surface in the form of roller 42 and the first roller of the conveyor 22 which forms a nip for compressing the laminate.

As to claim 26, WO 00/15397 discloses another embodiment (see Figure 9-10, see also page 13, line 36 to page 15, line 5) wherein the roll of backing material includes a layer of adhesive disposed on a surface defined by the backing material for bonding the backing material to the work material.

As to claim 27, WO 00/15397 discloses that the work material can be a hide (see column 1, lines 1-12).

As to claims 29-30, WO 00/15397 discloses an additional backing material wherein the backing material (such as label 102 - see Figure 5-6) further comprises a release layer (item 104) which is further wound onto means for collection (item 108) following removal of the backing material.

As to claim 31, WO 00/15397 discloses means for feeding (such as item 42, Figure 1) the backing material between the first and second support surfaces for engagement with the work material.

As to claim 32, WO 00/15397 disclose means for separating a second material from a second roll (see Figures 9 and 10, item 148, 150 and especially item 156) following engagement of the backing material with the work material.

As to claim 33, WO 00/15397 discloses at least one guide roller adjacent to the backing material for facilitating engagement of the backing material with the work material (for example, item 40, Figure 1).

As to claim 34, WO 00/15397 discloses a controller in communication with the first and second support surfaces for controlling the operation thereof (item 68 - see page 11, line 33 to page 12, line 16).

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Chabirand Garconnet (US 6,521,074) and Sutton or WO 00/15397 and Sutton as applied to claim 22 above, and further in view of Pollard (US Patent 4,199,390).

Neither Chabirand Garconnet or WO 00/15397 as combined with Sutton suggest that the backing material on the roll includes foam.

Pollard discloses a leather processing apparatus (see column 3, lines 47-50 for a recitation of the use of leather) wherein a backing material of foam is additionally utilized. Pollard discloses that the combination of leather and foam is used in upholstery applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a foam material for the backing material in order to provide for the manufacture of upholstery products.

5. Claim 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Chabirand Garconnet (US 6,521,074) and Sutton or WO 00/15397 and Sutton as applied to claim 34 above, and further in view of Chaiken (US Patent 5,487,011).

As to claim 35, neither Chabirand Garconnet nor WO 00/15397 as combined with Sutton disclose means for scanning the work material associated with one of the first and second support surfaces.

Chaiken discloses that it is known, in layup fabric cutting operations, to utilize a camera in order to correct for alignment errors (see columns 7-13 in general, and especially column 8, lines 40-45 in specific). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a camera in order to correct for misalignments.

As to claim 36, all of Chabirand Garconnet (item 60), WO 00/15397 (item 60), and Chaiken (item 40) disclose means for cutting.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Patent Examiner
Art Unit 1734

GRK
9/15/2004



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